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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,980	03/24/2005	Sadayoshi Terada	3260	7565

7590
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

12/20/2006

EXAMINER

REICHLE, KARIN M

ART UNIT	PAPER NUMBER
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3761

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/529,980	Applicant(s) TERADA ET AL.	
	Examiner Karin M. Reichle	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3-24-05 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3-24-05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Drawings

1. The drawings are objected to because the denotation of the cross-section lines in Figures 2, 4 and 6 is inconsistent with the description on page 3, lines 18, 22 and 26. Also Figures 1, 3, 5, and 7-8 which are in partial section are inconsistent with the descriptions thereof on page 3. The circle as described and claimed has not been shown in the Figures other than Figure 7 and in Figure 7 such is not denoted. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Description

2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 1, lines 18-20 and 24-28, page 4, lines 22-28.

3. The abstract of the disclosure is objected to because legal terminology, i.e. "comprises", should be avoided. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claims 2-4 are objected to because of the following informalities: In claim 2, line 2, before "one", --at least-- should be inserted. In claims 2-3, line 2, "extending" should be --which extends-- or "which extend", respectively. In claim 4, line 2, "radically" should be --radially--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 1, it appears that part of the claim is missing, see the last line thereof. In regard to claim 3, a clear positive structural antecedent basis for "said two ditches" should be

Art Unit: 3761

defined. In claim 4, are the parts, ditch and circle in this claim and that in claim 1 one and the same, i.e. at a minimum how many parts, ditches and circles are required?

Claim Language Interpretation

6. Since no claim terminology has been explicitly defined, such will be interpreted in light of the usual, i.e. dictionary, definition thereof. Due to the lack of clarity discussed in the preceding paragraph, in claim 4, the parts, ditch and circle will be interpreted as one and the same as those in claim 1.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilman '920.

Claim 1-3: See '920 at the Figures, especially 3-4, col. 1, lines 10-12, col. 3, lines 20-28, 32-35, 42-46 and 49-51, col. 6, lines 56-61, col. 7, lines 5-9, 18-32, and 38-39, col. 8, lines 4-6 (Note the terminology "about" allows leeway from the numeral it modifies, i.e. "about 2" is 2 and/or a little more than or a little less than 2), col. 9, lines 21-65, i.e. the article is, e.g., 32, the rectangular or nearly rectangular shaped flat absorbent core is 38 or 64, the liquid pervious front sheet is 34, the liquid impervious backsheet is 36, the core is divided into parts, i.e. two in Figure 3 and four in Figure 4 by at least one ditch, i.e. 46 in Figure 3 or 70, 72 and 74 in Figure 4, which

Art Unit: 3761

extend(s) in the longitudinal direction and which ditch is hollow and 2-6 mm in width, see again col. 8, lines 4-6 and col. 9, lines 60-63 and the discussion of "about 2" supra, and the same depth as the thickness of the core, see again col. 7, lines 38-39 and col. 9, lines 57-59. Claim 1 also requires the ditch to traverse a point within a circle with a radius of 25mm, i.e. 2.5 cm, from its center to the periphery of the core, i.e. the circle has an overall diameter of 50 mm. However see col. 3, lines 44-45 and col. 6, lines 56-58 and the ditches as shown in Figures 3 and 4, i.e. the width of the absorbent core is from about 25.4 to about 127 mm and/or the width of the napkin is from about 50 to about 125 mm and the ditches dividing such width into two or four parts, i.e. '920 includes a ditch traversing a point within a circle with a radius of 25 mm from its center to the periphery of the core as claimed, e.g. the ditches as shown in Figure 3 or Figure 4 of a core having a width of 50 mm will traverse a point within such a circle.

Claim 4: See discussion of claims 1-3 supra and see again col. 9, lines 46-47, e.g. a ditch can extend along the y-y axis, i.e. 90 degrees relative to the x-x axis as disclosed, of a core having a width as disclosed, e.g. 50 mm.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The other cited art also includes parts and ditches.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936.

The examiner can normally be reached on Monday-Thursday.

Art Unit: 3761

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Karin M. Reichle
Primary Examiner
Art Unit 3761

KMR
December 17, 2006